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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,679	07/15/2002	Hector E. Chavez-Gandara	FINP:104 -US-	9304
24041	7590	06/01/2004	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER

3632

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,679

Applicant(s)

CHAVEZ-GANDARA, HECTOR E

Examiner

Amy J. Sterling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-30 is/are allowed.
- 6) ☒ Claim(s) 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the third non-final Office Action for application number 10/070,679 Multiuse Construction System: Multispace 2000, filed on 7/15/02. Claims 18-35 are pending. This is the second non-final Action is in response to applicant's reply dated 3/3/04. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

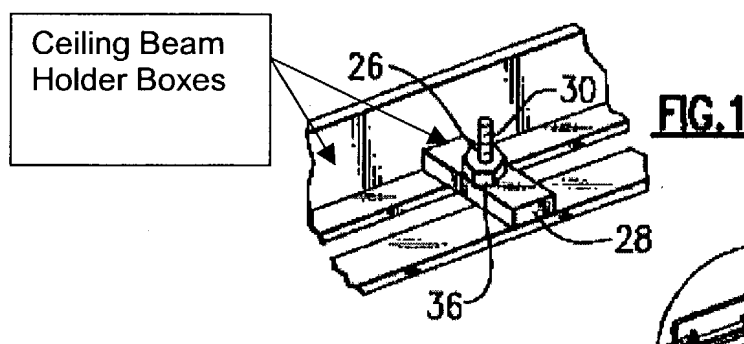
Claim Rejections - 35 USC § 103

Claims 31-35 are rejected under 35 U.S.C. 102(b) as being unpatentable over United States Patent No. 6085476 to Jantzi et al. and further in view of United States Patent No. 4620404 to Rizk.

Jantzi et al. shows the method of making a modular building system (10) for a building including the steps of providing a plurality of visible foundation beams (12), for providing foundation for the building, having a plurality of foundation rods (34) extending upwardly therefrom at selected locations. Jantzi et al. also shows the steps of providing a plurality of modular blocks (14) for assembly on the visible foundation beams (12), in a selected configuration to form walls of the building, certain of the blocks being formed such that a window and door apertures (unmarked) can be defined as desired, solid modular wall blocks having vertically oriented apertures therethrough (38) and assembled such as to define verticals ducts in an assembled wall, the ducts being a combination of the apertures in the blocks. Jantzi et al. shows the method of providing a plurality of wall rods (26) and

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connection means (36) for connecting the wall rods (26) to the foundation rods (34), the wall rods (26) extending upwardly through selected ones of the wall ducts, at least some of the wall rods (26) having upper ends exposed above the assembled wall. Jantzi et al shows the method of providing ceiling beam holder boxes (See Drawing Below) having means for connection (36) with the exposed upper wall rod ends (26), of opposed side wall of the building, providing ceiling beams (40) for cooperation with the ceiling beams holder boxes and means to connect the ceiling beams to the beam holder boxes (See Col. 4, lines 37-38), and providing a demountable roof structure (roof may be detached inherently if it may be attached as described in Col. 4, lines 37-38) for connection to assembled building walls, through connector means and the exposed upper wall rod ends, wherein the roof structures are "A" frame configuration and an "A" framed façade (See Fig. for front Façade) for closing front and back portions of the roof structure and providing means for connecting facades to the roof structure.



Jantzi et al. also provides that the modular building system is installed on a floor (22), but does teach the specifics of the floor in that it does not show the

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method of providing floor beam and a means for securing the beams to the visible foundation beams, the means having additional rods formed with the foundation beam and extending upwardly for connection with the floor beam.

Rizk shows a building that teaches the method of providing visible foundation beams (24) and providing floor beams (26, 28) and a means (29) for securing the beams to the visible foundation beams (24), the means having additional rods formed with the foundation beam and extending upwardly for connection with the floor beam, this type of connection used for easy installation of the building to the floor. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a floor attachment configuration as shown above in order to easily attach the building to the floor.

Jantzi et al. also does not specifically teach whereby the building can be upwardly expanded to define an second story, the method of expanding a building upwardly providing additional ceiling beams for the extending walls, providing additional flooring modulars for connection with the first ceiling beams, providing a staircase means between the levels and additional window units in accordance with the predetermined designs for the second story.

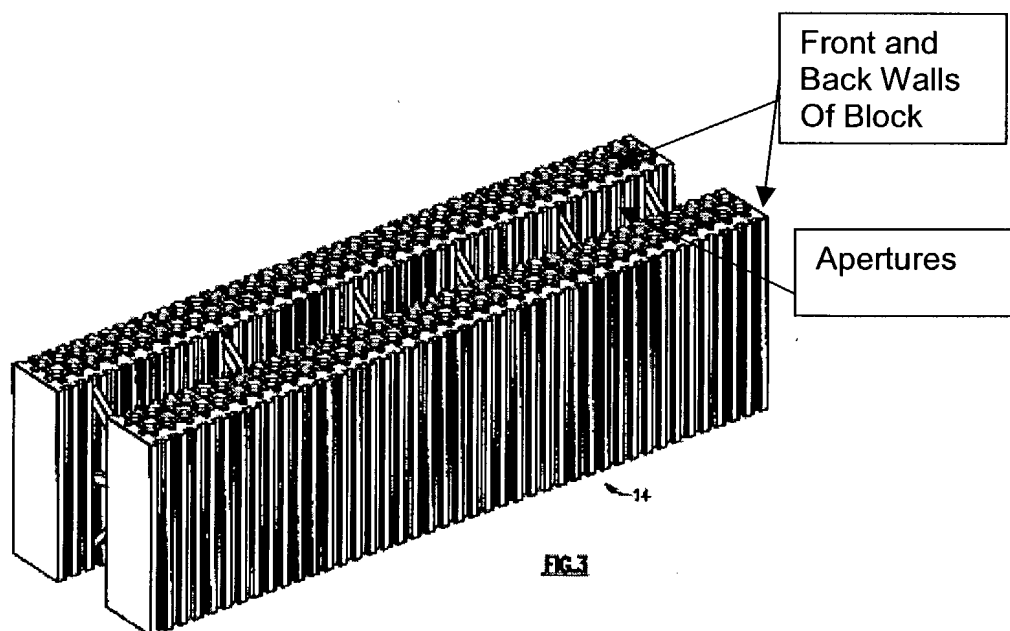
Rizk also shows a modular building which can be upwardly expanded (See Fig. 5) to define an second story, (See Col. 19, lines 1-24) the method of expanding a building upwardly providing additional ceiling beams for the extending walls, providing additional flooring modulars for connection with the first ceiling beams, providing a staircase means (200) between the levels and additional window units (See Fig. 6 for

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window unit) in accordance with the predetermined designs for the second story, used to add additions to the home. Therefore it would have been obvious to someone skilled in the art to have provided additional modular pieces like those taught by Rizk, to the Jantzi et al. modular home, in order to be able to expand to a second story.

Response to Arguments

The applicant has argued that Jantzi et al. does not teach that the apertures are in the blocks themselves, but that the apertures are a space for passing wall rods therein. This argument is unpersuasive in that the modular blocks as taught by Jantzi et al. have a front wall and a back wall, the apertures being through these walls (See Fig. 3 . Below).



Allowable Subject Matter

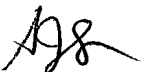
Claims 18-30 are allowed.

The reason is that the prior art does not show a modular wall block which each have a channel in each of the top and bottom surfaces, the channels being inwardly adjacent to the outer side whereby the channels form a conduit for containing a sealing means to seal the wall from the elements and from the weather.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-305-3597 or 703-305-3598 (formal amendments) or 703-308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.



AJS
Amy J. Sterling
5/26/04



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER